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Dated: December 13, 2007  
Electronic Signature for Katie Johnson: /Katie Johnson/

Docket No.: HO-P03101US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Marie-Louise Baillon et al.

Application No.: 10/517,268

Confirmation No.: 1608

Filed: June 6, 2003

Art Unit: 1651

For: MAMMALIAN ANIMAL COMPOSITION

Examiner: D. K. Ware

**DECLARATION REGARDING DEPOSIT UNDER  
BUDAPEST TREATY**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. I, Jan K. Simpson, attorney of record for Applicant, do declare and state the following:

2. A deposit of the organism, recited in the claims of the above referenced application, was been made under the Budapest Treaty on October 2, 2001.

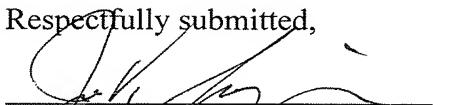
3. The probiotic microorganism, *Lactobacillus* having accession number NCIMB 41117, without restriction or condition, will be irrevocably released to the public upon issuance of a patent from the above referenced application.

4. I hereby declare that all statements made herein are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the Untied States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 13, 2007

Respectfully submitted,

  
Jan K. Simpson  
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